

## PUBLIC WORKS DEPARTMENT

## BUILDING &amp; ROAD BRANCH

## CIRCLE KARNAL

The 30th December, 1994

No. SE/Karnal Circle/PWD B&R/576.—Whereas the Governor of Haryana is satisfied that the land below is needed by the Government, at the public expense, for public purpose namely, Dhano Kheri to Hinori Road, tehsil Karnal, district Karnal, it is, therefore hereby declared that the land described in specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the District Revenue Officer Cum-Land Acquisition Collector, Haryana P.W.D., B&R Branch, Karnal is hereby directed to take order for the acquisition of the said land.

Plans of land may be inspected in the offices of the District Revenue Officer Cum Land Acquisition Collector, Haryana, P.W.D., B&R Branch Karnal and Executive Engineer, Provincial/Division, No. 1, P.W.D. B and R Branch, Karnal.

## SPECIFICATION

District	Tehsil	Locality/Village and Hadbast	Area in Acres	Rectangle/Killa No.
Karnal	Karnal	Dhano Kheri H.B. No. 4	0.77	35 11, 19, 20 36 13, 14, 15/1, 15/2, 16/1, 16/2, 17
Karnal	Karnal	Hinori, H.B. No. 18	0.44	21 8, 9, 12, 13

(Sd.) . . . ,

Superintending Engineer,  
Karnal Circle, P. W. D., B&R Branch,  
Karnal.

लोक निर्माण विभाग

भवन तथा सड़क शाखा

करनाल वृत्त

दिनांक 30 दिसम्बर, 1994

सं० SE/Karnal Circle/P.W.D., B&R/576.—वर्तक हरियाणा सरकार के राज्यपाल यह अनुभव करते हैं कि भूमि सरकार द्वारा सार्वजनिक धर्म पर, किसी सार्वजनिक प्रयोजन नामता: धन्नी खेड़ी से हिनोरी रोड के लिए अपेक्षित है एतद्द्वारा घोषित किया जाता है कि नीचे विशिष्ट विवरण में वर्णित भूमि उपरोक्त प्रयोजन के लिए अपेक्षित है।

यह घोषणा 1894 के भूमि अधिग्रहण की धारा 6 के उपबन्धों के अधीन उन सब के लिए है, जिससे वह सम्बन्धित हो और उक्त अधिनियम 7 की धारा के उपबन्धों के अधीन जिला राजस्व अधिकारी-जम्मा भूमि क्लैक्टर लोक निर्माण विभाग, भवन तथा मार्ग शाखा करनाल को उक्त भूमि अधिग्रहण करने का आदेश देने के लिए निर्देश दिया जाता है।

भूमि के नक्शे का अभियन्ता जिला राजस्व अधिकारी-बूम-भूमि कलेक्टर, लोक निर्माण विभाग, भवन तथा मार्ग शाखा, करनाल और कार्यकारी अभियन्ता, प्रान्तीय मण्डल नं० 1, करनाल कार्यालयों में देखा जा सकता है।

विशिष्ट विवरण

जिला	तहसील	परिक्षेत्र/गांव हदबस्त नं०	क्षेत्रफल (एकड़ों में)	खसरा नं०	
1	2	3	4	5	6
करनाल	करनाल	धनौ खेडी, ह०ब० नं० 4	0.77	35 11, 19, 20	36 13, 14, 15/1, 15/2, 16/1, 16/2, 17
करनाल	करनाल	हितौरी, ह०ब० नं० 18	0.44	21 8, 9, 12, 13	

(हस्ताक्षर) . . . .

अधीक्षक अभियन्ता,  
करनाल सर्कल, लो० नि० वि०, भ० तथा मा० शाखा,  
करनाल।

LABOUR DEPARTMENT

The 20th September, 1994

No. 14/13/37/6Lab./84.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/s. Panchkula Urban Co-op. Bank Ltd., Panchkula versus Shri Daya Ram Singla.

IN THE COURT OF SHRI S. R. BANSAL (ADDITIONAL DISTRICT AND SESSIONS JUDGE),  
PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 189 of 88

WORKMAN SHRI DAYA RAM SINGLA, SON OF SHRI DES RAJ SINGLA HOUSE NO. 3060,  
SECTOR 22-D, CHANDIGARH AND THE MANAGEMENT THE PANCHKULA URBAN  
COOPERATIVE BANK LTD., SECTOR 7 MARKET, PANCHKULA, DISTRICT AMBALA.

Present .

WR. Shri J. R. Sharma.

MR. Shri Roop Chand.

## AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute, between the workman Shri Daya Ram Singla and the management The Panchkula Urban Cooperative Bank Ltd., Sector 7 Market, Panchkula, District Ambala to this court for adjudication,—*vide* Haryana Government Notification bearing No. 15611—15, dated the 19th April, 1988:—

Whether the termination of the services of Shri Daya Ram is valid and justified? If not, to what relief is he entitled?

On receipt of the reference notices were sent to the workman as well as to the management. The workman appeared and submitted his claim statement. The management has filed the written statement to the claim statement. On the pleadings of the parties the following issues were framed:—

- (1) Whether the impugned termination of services of the workman is invalid? OPW
- (2) Whether the claim petition is not maintainable as alleged in preliminary objection No. 1, 2 and 3 of the written statement? OPW
- (3) Relief.

Parties led evidence. I have heard the representative of the parties. My issue wise findings are as under:—

## Issue No. 1:

The workman examined himself as WW-I and closed the evidence. The workman has deposed that he was appointed as junior accountant with effect from 7th January, 1986. He continued as such and worked upto 10th October, 1987 when his services were terminated without any compensation or notice. He claimed his reinstatement with back wages as according to him he has been sitting ideal after his termination. The management examined MW-I Tarsham Lal and also closed the evidence. According to this witness the appointment of the workman was made by the Chairman,—*vide* Ex. M-1 and he has not obviously taken the approval of the Board, who was the competent authority to make appointment. Shri Tarsham Lal MW-I also deposed that at the time of termination of workman he was given notice for one month and was also paid compensation as per requirements of law. He relied upon Ex. M-4 according to which the amount of compensation was paid to the workman. I have perused the record. Ex. M-1 shows that the workman was appointed by the manager,—*vide* appointment order, dated 7th January, 1986. The resolution Ex. M-2 also shows the abolition of three posts of Junior Accountant and according to the decision the junior most official were to be terminated. The services of the workman were terminated,—*vide* Ex. M-3 on account of abolition of post and as per this order the amount payable to the workman was credited to his account. Ex. M-4 shows that a sum of Rs. 3,032-80 paise was paid/credited to the account of the workman. In view of the foregoing discussion I find that the management is justified in terminating the services of the workman. this issue is, therefore, decided in favour of the management and against the workman.

## Issue No. 2:

This issue was not pressed and thus needs no separate findings.

## Relief:

In view of the finding on issue No. 1, the workman is not entitled to any relief.

The reference shall stand answered accordingly.

S. R. BANSAL,

The 11th July, 1994.

Additional District and Sessions Judge,  
Presiding Officer, Labour Court, Ambala.

Endorsement No. 1295, dated the 26th July, 1994.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,  
Presiding Officer, Labour Court, Ambala.

The 19th September, 1994

No. 14/13/87-6Lab./91.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/s D. C. Kurukshetra and etc. *Versus* Shri Babu Ram:—

IN THE COURT OF SHRI S. R. BANSAL (ADDL. DISTT. AND SESSIONS JUDGE) PRESIDING OFFICER, LABOUR COURT, AMBALA.

Reference No. 223 of 1988

WORKMAN SHRI BABU RAM THROUGH PT. MADHU SUDAN SARAN KAUSHISH LABHMARAN STREET, JAGADHRI AND THE MANAGEMENT, (1) DEPUTY COMMISSIONER, KURUKSHETRA, (2) MUNICIPAL COMMITTEE, RADAUR (KURUKSHETRA) .

*Present :—*

Mr. Shri Madhu Sudan.

Mr. Shri Babu Ram.

#### AWARD

In exercise of the powers conferred by clause (c) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute between the workman Shri Babu Ram and the management (1) Deputy Commissioner, Kurukshetra and (2) Municipal Committee, Radaur, (Kurukshetra) to this court for adjudication,—*vide* Haryana Government notification bearing No. 18157—162, dated the 2nd May, 1988:—

“Whether the termination of the services of Shri Babu Ram is valid and justified? If not so, to what relief is he entitled?”

The workman raised the industrial dispute by serving a demand notice dated 29th January, 1988 upon the management. The conciliation proceedings were taken up by Labour Officer-cum-Conciliation Officer., Kurukshetra. The same however having failed the appropriate Government made the above mentioned reference.

On receipt of the reference, notices were issued to the workman as well as to the management. The workman appeared and submitted his claim statement dated the 2nd July, 1988. The case of the workman in the claim statement is that he was working as octori mohrar for the last about 11 years when his services were terminated on the 8th January, 1988 in violation of section 25-F of the Act without giving him any prior notice or retrenchment compensation. It was also alleged that some new person was appointed in place of the workman. The workman, therefore, demanded his reinstatement with continuity of service and back wages.

The stand of the management in the written reply filed is that the workman was allowed to work for some time against a leave vacancy. He did not remain employed in the management on a daily wages employee. No new person has been appointed in place of the workman, and therefore, the workman is not entitled to any relief.

The workman submitted replication controverting the allegations of the respondent-management in the written statement and reiterating those made in the claim statement. Shri S. D. Anand, one of my learned predecessors,—*vide* his order dated the 20th December, 1988 stated the under mentioned issues:—

1. Whether the impugned termination of services of the workman is invalid? OPW

## 2. Relief.

The workman appeared as WW-I and broadly supported the allegation made by him in the claim statement field. In rebuttal the management produced MW-I Shri Ved Parkash, acting Secretary, Municipal Committee, Radaur who supported the case of the management as made out in the written statement.

I have heard the representatives of the parties. My issuewise findings are as under:—

**Issue No. 1**

The workman has categorically stated that he worked as a octroi mohrar with the management for a period of about eleven years. He also stated that at the time of termination no prior notice or re-trenchment compensation or chargesheet was given to him. He also stated that after his termination new person has been appointed in his place. During cross-examination he stated that he used to be marked present in the attendance register. The management has however failed to produce attendance register in the court for the reasons best known to it and an adverse inference therefore arise against the management had such register been produced the same would have gone against the management. In such a situation the statement of the workman will have to be given precedents. The workman is, therefore, entitled to reinstatement with continuity of service. Moreover as is evident from entries made in Ex. M-2 the workman rendered more than 240 days of service. He is, therefore, entitled to reinstatement with continuity of service.

This brings me to the question of back period wages. The workman has nowhere stated that he is unemployed since the date of the termination of his services whereas the statement made by MW-I that the workman is gainfully employed. Under these circumstances, the workman can not be held entitled to back period wages. The finding on this issue is therefore partly returned in favour of the workman and partly against him.

**Relief :**

In the end, the workman is held entitled to reinstatement with continuity of service but without back wages.

The reference stands answered accordingly.

The 26th July, 1994.

S. R. BANSAL,

Additional District and Sessions Judge,  
Presiding Officer, Labour Court,  
Ambala.

Endorsement No. 1302,

dated the 26th July, 1994.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government Haryana Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,  
Presiding Officer, Labour Court,  
Ambala.

P. R. KAUSHIK,

Financial Commissioner and Secretary to Government,  
Haryana, Labour and Employment Department,